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ENGLISH

PROVISIONAL VERBATIM RECORD OF THE TWO THOUSAND NINE HUNDRED AND EIGHTIETH MEETING

Held at Headquarters, New York,
on Wednesday, 27 March 1991, at 5.40 p.m.

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| President: | Mr. HOHENFELLNER | (Austria) |
| Members: | Belgium | Mr. NOTERDAEME |
| | China | Mr. LI Daoyu |
| | Côte d'Ivoire | Mr. ANET |
| | Cuba | Mr. ALARCON de QUESADA |
| | Ecuador | Mr. AYALA LASSO |
| | France | Mr. BLANC |
| | India | Mr. GHAREKHAN |
| | Romania | Mr. MUNTEANU |
| | Union of Soviet Socialist Republics | Mr. VORONTSOV |
| | United Kingdom of Great Britain and Northern Ireland | Mr. RICHARDSON |
| | United States of America | Mr. PICKERING |
| | Yemen | Mr. AL-ASHTAL |
| | Zaire | Mr. BAGEENI ADEITO NZENGEYA |
| | Zimbabwe | Mr. ZENENGA |

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The meeting was called to order at 5.40 p.m.

ADOPTION OF THE AGENDA

The agenda was adopted.

THE SITUATION IN THE OCCUPIED ARAB TERRITORIES

The PRESIDENT: I should like to inform the Council that I have received a letter dated 26 March 1991 from the Chargé d'affaires ad interim of the Permanent Obvserver Mission of Palestine to the United Nations, which has been issued as document S/22402, and reads as follows:

"I have the honour to request that, in accordance with its previous practice, the Security Council invite the Deputy Permanent Observer of Palestine to the United Nations to participate in the debate on the item entitled 'The situation in the occupied Arab territories'."

The request is not made pursuant to rule 37 or rule 39 of the provisional rules of procedure of the Security Council, but if it were approved the Council would invite the Deputy Permanent Observer of Palestine to participate, not under rule 37 or rule 39, but with the same rights of participation of rule 37.

Does any member of the Security Council wish to speak on this request?

Mr. PICKERING (United States of America): The United States, as it normally does when this question is considered, will request a vote on the proposal before the Security Council, and the United States will vote against it on two grounds.

First, we believe that the Council does not have before it a valid request to speak in accordance with our rules. Secondly, the United States maintains that the representative of the Palestine Liberation Organization should be granted permission to speak only if the request complies with rule 39 of the rules of procedure.

(Mr. Pickering, United States)

In our view, it is unwarranted and unwise for the Council to break with its own practice and rules, and this is frequently emphasized to us by many of the delegations here present. As members of the Council we should ask ourselves this question: Does a decision to break with our rules and procedures enlarge or diminish the Council's ability to play a constructive role in the Middle East peace process? My delegation firmly believes it diminishes the Council's ability to play such a role.

As all the members of the Council are aware, it is a long-established practice that observers do not have the right to speak in the Security Council at their own request; rather, a request must be made on the observer's behalf by a Member State. My Government sees no justification for any departure from that practice.

Further, there is nothing in resolutions recently adopted by the Assembly that would warrant a change in Security Council practice. It is also clear that the General Assembly's resolutions are not binding on this Council.

General Assembly resolution 43/177, which purported to change the designation of the PLO mission did so

> "without prejudice to the observer status and functions of the Palestine Liberation Organization within the United Nations system, in conformity with relevant United Nations resolutions and practice".

That resolution does not constitute recognition of any State of Palestine. Like many other Members of the United Nations, the United States does not recognize such a State.

The United States has consistently taken the position that under the provisional rules of procedure of the Security Council the only legal basis on which the Council may grant a hearing to persons speaking on behalf of non-governmental entities is rule 39. For four decades the United States has

(Mr. Pickering, United States)

supported a generous interpretation of rule 39, and it would not have objected had this matter been appropriately raised under that rule. We are, however, opposed to special and ad hoc departures from orderly procedure in this Council.

The United States consequently opposes granting to the Palestine Liberation Organization the same rights to participate in the proceedings of the Security Council as if that organization represented a State Member of the United Nations.

We believe in listening to all points of view, but not in a manner that requires violating the rules. In particular, the United States does not agree with the recent practice of the Security Council that appears selectively to try, through a departure from the rules of procedure, to enhance the prestige of those who wish to speak in the Council. We consider this special practice to be without legal foundation and to constitute an abuse of the rules.

For all these reasons, the United States requests that the terms of the proposed invitation be put to the vote. Of course, the United States will vote against the proposal.

The PRESIDENT: If no other member of the Council wishes to speak at this stage, I shall take it that the Council is ready to vote on the request of Palestine.

It was so decided.

I therefore now put to the vote the request by Palestine.

A vote was taken by show of hands.

In favour: Austria, China, Côte d'Ivoire, Cuba, Ecuador, India, Romania, Union of Soviet Socialist Republics, Yemen, Zaire, Zimbabwe

Against: United States of America

Abstaining: Belgium, France, United Kingdom of Great Britain and Northern Ireland

The PRESIDENT: The result of the voting is as follows: 11 votes in favour, 1 against and 3 abstentions. The request has been approved.

At the invitation of the President, the representative of Palestine took a place at the Council table.

The PRESIDENT: The Security Council will now begin its consideration of the item on its agenda.

The Security Council is meeting in accordance with the understanding reached in its prior consultations.

I should like to draw the attention of members of the Council to the following documents: S/22383, letter dated 25 March 1991 from the Chargé d'affaires ad interim of the Permanent Observer Mission of Palestine to the United Nations addressed to the Secretary-General; and S/22388, letter dated 26 March 1991 from the Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People addressed to the Secretary-General.

Following consultations of the Council, I have been authorized to make the following statement on behalf of the members of the Security Council:

(The President)

"The members of the Security Council are gravely concerned by the continued deterioration of the situation in the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem, and especially by the current serious situation resulting from the imposition of curfews by Israel.

"The members of the Security Council deplore the decision of 24 March 1991 by the Government of Israel to expel four Palestinian civilians, in violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, which is applicable to the above-mentioned territories, and in contravention of relevant resolutions of the Security Council.

"The members of the Security Council also call upon Israel to desist from deporting Palestinians and to ensure the safe return of those deported.

"Recalling Security Council resolution 681 (1990) and other Security Council resolutions, the members of the Security Council will keep the situation described in paragraph 1 above under review."

The Security Council has thus concluded the present stage of its consideration of the item on the agenda.

The meeting rose at 5.50 p.m.